

## CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

December 11, 2012

### POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Gail Hambrick, Commissioner Michael Edmondson, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
2. Invocation was led by Chaplain Rodney Williams of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Bell.
3. Adopted the agenda by deleting Item No. 5 (Presentation: "Update on GIS Map Viewer" – presented by Patrick Ejike, Director of Community Development), holding Item No. 19 (Resolution 2012-264 – Authorizing Clayton County to exercise its powers of Eminent Domain in accordance with provisions of GA laws for the purpose of acquiring certain properties for use by the Clayton County Department of Transportation and Development for the Flat Shoals Road Realignment Project) until after the Executive Session, and adding Resolution 2012-267 (Probate Court Expansion). Additionally, Clerk Haywood noted that the Executive Session would pertain to real estate and litigation matters. Vote unanimous.
4. Approved the minutes of the December 4, 2012 Regular Business Meeting. The motion carried 4-0-1. Commissioner Edmondson abstained because he did not attend the meeting.
5. Theodis Locke, Director of Central Services/Risk Management, presented two (2) items which resulted in the following Board actions:
  - 1) Approved RFP Pkg. #07-01 (Purchase Order #07005719) SPLOST 2004 Consultant Right-of-Way Acquisition Services for Aviation Boulevard Grade Separation & Conley Road/Aviation Boulevard Extension Project Change Order Request. This request, made by the Director of Transportation and Development, is for supplemental costs for additional right-of-way acquisition services for the C.W. Grant Parkway Separation Project; i.e., an addition of six (6) new parcels and an Administration Appeals Officer. The current fee is now insufficient to successfully complete the project and to comply with GDOT requirements. T&D recommends approving this cost to the awarded vendor, Smith Real Estate Services, Inc., located in Atlanta, Georgia, in the amount of \$89,534.00, which would increase the contract amount to \$715,213.00. Vote unanimous.
  - 2) Approved RFB Pkg. #12-36, a request to rescind the award for a High Capacity Chamber Septic System for Clayton County Fire Station #10. The request to rescind the award to

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Johnson Sewer, Pipeline & Demolition, located in Griffin, Georgia, was made because the vendor was unable to provide the required insurance requirements for the project. Vote unanimous.

6. Dennis Johnson, Budget Manager/Financial Analyst/Grants, standing in for Angela Jackson, Director of Finance, presented three (3) SPLOST-related budget amendment items which resulted in the following Board actions:

1) Approved Budget Amendment #4-37 – Fund 307 – SPLOST Projects/FYE 6-30-13, in the amount of \$8,160,700.00, to establish the budget for the construction of the Animal Control Offices & Kennels, the Fueling Center Replacement & Emergency Fuel Storage, and the N.E. Police Precinct. Vote unanimous.

2) Approved Budget Amendment #4-38 – Fund 306 – Roads and Recreation Projects/FYE 6-30-13, and Fund 307 – SPLOST Projects/FYE 6-30-13, in the amount of \$3,313,416.00, to amend the budget for Transportation & Development Project closures. Vote unanimous.

3) Approved Budget Amendment #4-39 – Fund 306 – Roads and Recreation Projects/FYE 6-30-13, and Fund 307 – SPLOST Projects/FYE 6-30-13, in the amount of \$3,401,960.00, to establish the budget for the Transportation & Development Roads Project, Operating and Maintenance Accounts. Vote unanimous.

7. Renee Bright, Director of Human Resources, presented two (2) items which resulted in the following Board actions:

1) Approved a request to reclassify six (6) police officer positions to six (6) detective positions at a cost of \$28,860.00. Vote unanimous.

2) Approved a request to move the pharmacy benefits for the Self-Funded Medical Plan from CVS/Caremark to Aetna. Moving the pharmacy benefits to Aetna will save the County \$213,000.00 annually. The motion carried 4-0-1. Vice-Chairman Ralph abstained for cause.

For the record, Chairman Bell asked Ms. Bright to mention the \$20,000.00 Aetna added to the package for wellness. Ms. Bright acknowledged that Aetna's proposal included an extra \$20,000.00 piece that could be applied to the wellness program.

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Commissioner Edmondson asked for a point of clarity. He wanted to know if the annual savings of \$213,000.00, in addition to the \$20,000.00, would be realized in all three (3) years of the contract, or in just the first year. Ms. Bright said that the annual savings to the County would be \$213,000.00, but that other cost savings with the Aetna proposal would be for the first year only.

Chris Clark, a broker for The McCart Group, clarified the issue further when he explained that the \$20,000.00 piece is a one-time savings, but the \$213,000.00 amount would be saved annually, plus another \$3,000.00 in savings, which is ahead of the proposal Humana submitted.

In reference to the vote, Chairman Bell asked Jack Hancock, Interim County Attorney, if Vice-Chairman Ralph needed to state the cause for his abstention. Mr. Hancock said that Vice-Chairman Ralph did have to state the cause. Vice-Chairman Ralph responded that he abstained on the grounds that he could have a conflict of interest. Mr. Hancock noted that the concerns Vice-Chairman Ralph had about a possible conflict were legitimate and therefore met the standard for abstaining with cause.

8. Approved Resolution 2012-254 authorizing Clayton County to enter into a Grant Award Agreement with the Criminal Justice Coordinating Council and, in accordance therewith, accept grant funds (\$35,825.00 with a local match of \$8,956.00) to be used in connection with the 2012-2013 Victims of Crime Act (VOCA) Victim Assistance Grant Program associated with the Solicitor's Office VWAP Project. Vote unanimous.

9. Approved Resolution 2012-255 authorizing Clayton County to amend an existing agreement with Professional Technology Integration; providing for terms and conditions under which consulting services will be provided. The motion carried 4-1. Commissioner Edmondson opposed.

10. Approved Resolution 2012-256 authorizing Clayton County to forgive improperly imposed liens on all Comprehensive Rehabilitation Program Projects; to forgive all liens older than five years on all down payment assistance program activities. Vote unanimous.

11. Approved Resolution 2012-257 authorizing Clayton County to amend its PY-2007 through PY-2012 Annual Action Plans as required by the U.S. Department of Housing and Urban Development ("HUD") in order to ensure the timely use of HUD Funds. Vote unanimous.

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12. Approved Ordinance 2012-258 to amend the Clayton County Zoning Ordinance, specifically Article 5 "Zoning Map" so as to delete Article 5 and insert in lieu thereof a new Article 5 "Zoning Map." Vote unanimous.
13. Approved Ordinance 2012-259 to amend the Official Zoning Map for Clayton County, Georgia. Vote unanimous.
14. Approved Resolution 2012-260 authorizing Clayton County to accept grant funds (\$4,000.00) from the Organized Fraud Task Force (OFTF) to purchase equipment and provide training classes for the grant period of November 26, 2012 through September 30, 2013. Vote unanimous.
15. Approved Resolution 2012-261 authorizing the acceptance of a forfeited vehicle (1996 Tan Chevrolet Caprice) to be assigned to the Police Department Fleet in a manner as will be in the best interest of the County. Vote unanimous.
16. Approved Resolution 2012-262 authorizing Clayton County to dispose of 80 abandoned firearms in the manner required by the law and pursuant to an order from Clayton County Superior Court. Vote unanimous.
17. Approved Resolution 2012-263 authorizing the renaming of certain Clayton County roadways; to authorize the Department of Transportation and Development to erect signs on the subject streets reflecting the renaming. Vote unanimous.
18. Approved Resolution 2012-264 authorizing Clayton County to exercise its powers of Eminent Domain in accordance with provisions of GA laws for the purpose of acquiring certain properties for use by the Clayton County Department of Transportation and Development for the Flat Shoals Road Realignment Project. (NOTE: This item was skipped until after the Executive Session.) Vote unanimous.
19. Approved Resolution 2012-265 authorizing Clayton County to enter into a contract with Motorola Solutions, Inc., providing for the terms and conditions for the installation of a New Association of Public Communications Officials International (APCO) Project 25 (P25) Compliant 700MHZ Digital Simulcast Trunked Radio System. Vote unanimous.

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20. Ordinance 2012-266 was placed on the agenda for a ***First Reading*** only, adopted under the Home Rule Powers granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, amending the Clayton County Code of Ordinances, Specifically the Clayton County Public Employee Eligible Deferred Compensation Plan. (NOTE: The Board will have a ***Second Reading*** of this ordinance and vote on it at the December 18, 2012 Regular Business Meeting.)

21. The Board considered Resolution 2012-267 authorizing the expansion of office space for Clayton County Probate Court to the third floor of its current location, 121 S. McDonough Street, Annex Building 3. Outlined below is the lengthy discussion and voting process that ensued.

Prior to the vote, Vice-Chairman Ralph amended the resolution to give the Probate Court the entire third floor, to move the Tax Assessors' Office to the fourth floor, and to move the Community Development Block Grant (CDBG) Program Office to the Tax Assessors' Office.

For simplicity, Mr. Hancock suggested that the Board vote on all of the items except for Resolution 2012-267, because there would need to be a motion to add Vice-Chairman Ralph's amendments. The Board complied, and the vote was unanimous.

Commissioner Edmondson asked for clarification on Resolution 2012-259 regarding the official zoning map being replaced with updates. He asked Kc Krzic, Zoning Administrator, to identify the number of errors on the old map. Ms. Krzic said there were approximately 500 after the previous clean-up in 2010; however, none of the changes was comprehensive. Rather, there were minor instances where an existing location was still classified as residential.

Commissioner Edmondson had a concern about Resolution 2012-255 (Amending the existing agreement with Professional Technology Integration; providing for terms and conditions under which consulting services will be provided to the County). He asked that the item be taken off of the agenda for further review.

Commissioner Singleton acknowledged that she had attended the consultant's presentation and added that she was comfortable with it and wanted to move forward. Patrick Ejike, Director of Community Development, said the way the issue is being handled is the best, most cost-efficient manner in which

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to proceed. Commissioner Edmondson responded that he had concerns and made a motion to reconsider the vote. There was no second and so his motion failed.

Mr. Hancock said there needed to be a motion to amend Resolution 2012-267 with the additions mentioned by Vice-Chairman Ralph. Commissioner Edmondson asked the Board to remove the item from the agenda because, per County policy, it is not an emergency. He made a motion to do so, which was seconded by Chairman Bell. The motion failed 3-2. Vice-Chairman Ralph, Commissioner Singleton, and Commissioner Hambrick opposed.

Mr. Hancock stated a vote needed to take place to approve the amendments made by Vice-Chairman Ralph. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

Wade Starr, County Manager, said that the action being taken is appropriate. Probate Court submitted a legislative request for the Board to give it authority to move. He thought the Board should also make the decisions on the other departmental moves, instead of having the decision made at the administrative level.

Chairman Bell said all he has asked for is that the Board be given advance notice on such items, so that he and the Board are not hearing an issue for the first time during an amendment. Chairman Bell noted that Les Markland, Interim Director of Building and Maintenance, was also unaware of the amendments.

Mr. Starr said Christie Barnes, Staff Attorney, told him that it was an administrative decision. However, Mr. Starr said he did not want to make that decision, especially because it pertained to a utilization of space.

Commissioner Edmondson said the amendment still did not constitute an emergency.

Probate Judge Pam Ferguson said she sent a legislative request on December 5, 2012, along with a map and layout of the space, which she thought was timely. Tracy Graham Lawson, County District Attorney, asked to be heard on the issue. She stated that she, too, asked for additional space but did not do so through a legislative request. Ms. Lawson asked, respectively, if the Board would wait and allow the new Board to take up the issue next year.

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Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve the amendments made by Vice-Chairman Ralph. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

Mr. Hancock performed a ***First Reading*** of Resolution 2012-266 (Adopted under the Home Rule Powers granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, amending the Clayton County Code of Ordinances, specifically the Clayton County Public Employee Eligible Deferred Compensation Plan).

Mr. Hancock requested that the Board conduct an Executive Session to discuss real estate and litigation matters. The Board consented to do so.

22. Accepted a street light petition for 18 additional lights along both sides of Riverdale Road (District #2/Commissioner Gail Hambrick). Vote unanimous.

Commissioner Edmondson asked for clarification on whether or not this is state property. Jeff Metarko, Director of Transportation and Development, said it would be handled by Georgia Power and that there are sufficient funds in the budget to complete the project.

### PUBLIC COMMENT

1. Margie Trawick, a county resident, was concerned that citizens were ignored on the issue of naming the new Wole Ralph Recreation Center in Lovejoy.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go into Executive Session in the Commissioners' Conference Room to discuss real estate and litigation matters at 7:50 p.m. Vote unanimous.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go out of Executive Session at 8:15 p.m. Vote unanimous.

Motion by Vice-Chairman Ralph, second by Commissioner Edmondson, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:16 p.m. Vote unanimous.

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Motion by Vice-Chairman Ralph, second by Commissioner Hambrick, to approve Resolution 2012-264 authorizing Clayton County to exercise its powers of Eminent Domain in accordance with provisions of GA laws for the purpose of acquiring certain properties for use by the Clayton County Department of Transportation and Development for the Flat Shoals Road Realignment Project. Vote unanimous.

There being no further business to discuss, motion by Vice-Chairman Ralph, second by Commissioner Hambrick, to adjourn the Regular Business Meeting of December 11, 2012 at 8:18 p.m. Vote unanimous.